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FISCAL IMPACT REPORT

SPONSOR Madalena DATE TYPED 2/10/2005 HB HJM 33

SHORT TITLE Protection of Native American Water Rights SB _____

ANALYST Aguilar

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
	NFI				

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Indian Affairs (DIA)
New Mexico Environment Department (NMED)

SUMMARY

Synopsis of Bill

House Joint Memorial 33 requests protection of aboriginal senior water rights of Native American nations, pueblos and tribes in New Mexico during efforts to reach a comprehensive water use plan for the entire state of New Mexico;

Significant Issues

Section 72-14-3.1 NMSA 1978) requires the Interstate Stream Commission and the Office of the State Engineer consult directly with the tribal governments to formulate a statement of policy and process to guide the coordination of tribal water plans within the state water plan and the final adjudication of all water rights claims by NM tribes.

The policy statements require “no injury to Pueblo and Tribal water rights” and acknowledge that a meaningful process occur prior to finalizing tribal water claims. The state made a commitment to continue its practice of consulting in good faith. Further, there is a clear recognition

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of the need for government-to-government consultation for water planning and the acknowledgement of the unique situation of each tribe in the state.

PA/njw